

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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WILLIAM T. ANTEPENKO, JR.,

Plaintiff,  
v.

Case No. 17-cv-1211-pp

MARK DOMROIS,

Defendant.

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**DECISION AND ORDER GRANTING PLAINTIFF'S MOTION FOR EXTENSION  
OF TIME (DKT. NO. 30) AND GRANTING DEFENDANT'S MOTION TO  
AMEND/CORRECT PROPOSED FINDINGS OF FACT (DKT NO. 31)**

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The defendant filed a motion for summary judgment on June 8, 2018. Dkt. No. 25. Under the court's scheduling order, dkt. no. 15, the plaintiff's response was due within thirty days of service of the motion. About a week later, the plaintiff filed a motion asking the court to extend his response deadline. Dkt. No. 30. The plaintiff does not explain why he needs the court to extend the deadline, nor does he specify how long an extension he needs. Nonetheless, the court will grant the plaintiff's motion. He must file his materials in response to the defendant's motion for summary judgment by **August 24, 2018.**

The court reminds the plaintiff that he must respond to each of the defendant's proposed facts (by agreeing with the proposed fact or explaining why he disagrees with the proposed fact; if the plaintiff does not indicate one way or the other, the court will assume that he agrees with the proposed fact),

and he must respond to the legal arguments in the defendant's brief. The plaintiff must support his facts, or any disagreement with the defendant's facts, with evidence. He can do that by relying on the information and documents he got during discovery or by telling the court his version of what happened in an affidavit or an unsworn declaration under 28 U.S.C. §1746<sup>1</sup>. An unsworn declaration is a way for the plaintiff to tell his side of the story while declaring to the court that everything he has written down is true and correct.

Also, on June 15, 2018, the court received from the defendant a motion for an order allowing him to amend his proposed findings of fact, dkt. no. 27, and to supplement the declaration he submitted in support of his summary judgment motion, dkt. no. 31. The defendant seeks to correct a mistake in his proposed findings of fact, which he filed a week earlier. Dkt. No. 27. The court will grant the defendant's motion.

The court **GRANTS** the plaintiff's motion to extend the deadline by which he must respond to the defendant's motion for summary judgment. Dkt. No. 30. The court **ORDERS** that the plaintiff shall file his brief and other materials in response to the defendant's motion for summary judgment in time for the court to receive it by the end of the day on **August 24, 2018**.

The court **ORDERS** that the defendant's motion to supplement his declaration and amend his proposed findings of fact is **GRANTED**. Dkt. No. 31.

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<sup>1</sup> At the bottom of his declaration he should state: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature]." 28 U.S.C. §1746(2).

The court **ORDERS** that the defendant's amended proposed findings of fact (dkt. no. 32) supersede (or replace) the defendant's original proposed findings of fact (dkt. no. 27) as the operative proposed findings of fact in support of his motion for summary judgment.

Dated in Milwaukee, Wisconsin, this 6th day of July, 2018.

**BY THE COURT:**



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**HON. PAMELA PEPPER**  
**United States District Judge**